

EXHIBIT 2

VOLUME 1

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UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

CYCLE-CRAFT CO., INC.) CIVIL ACTION

D/B/A BOSTON HARLEY-DAVIDSON/BUELL,) NO. 11402NMG

PLAINTIFF,)

v.)

HARLEY-DAVIDSON MOTOR COMPANY, INC.,)

AND BUELL DISTRIBUTION COMPANY, LLC,)

DEFENDANTS.)

DEPOSITION OF SEAN WALSH

DATE: APRIL 27, 2005

TIME: 10:11 A.M.

PLACE: BINGHAM MCCUTCHEN

150 FEDERAL STREET

BOSTON, MA 02110

MEDEIROS STENO & VIDEO GROUP



"FOR THE TRAVELING LITIGATOR SINCE 1988"

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***E-transcript**

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***V ideo**

***MA *CT *NJ *NY *FL**

1 A: No.

2 Q: And Ron Buchbaum tried to reach out to you
3 sometime in the last several weeks and you never
4 called him back. Is that correct?

5 A: Correct.

6 Q: Why didn't you call him back?

7 A: I had no reason to speak with him. I left
8 there because I didn't want to work there anymore
9 because I didn't like the atmosphere there. I had no
10 reason to talk to him.

11 Q: Was that the atmosphere that he created
12 when he came on as the General Manager in February of
13 '03?

14 A: Yes.

15 Q: So would it be fair to say that it is Mr.
16 Buchbaum that is the reason that you left
17 Cycle-Craft?

18 A: The atmosphere he created at the dealership
19 would be one of the reasons, yeah.

20 Q: Did you understand that he wanted to talk
21 to you about having the company's attorneys represent
22 you in connection with your deposition?

23 A: When he first tried to contact me I didn't
24 know why he wanted to contact me. I assumed it had

1 to do something with these proceedings, but the only
2 time that I considered that it might for
3 representation purposes was after I talked to Jason
4 Marasca and he indicated to me that he was going to
5 be offered representation through Boston
6 Harley-Davidson. So I had no direct conversation
7 with anybody about that.

8 Q: After you talked to Mr. Marasca did you
9 kind of put two and two together and think that might
10 have been what Mr. Buchbaum wanted to talk to you
11 about?

12 A: I assumed that it had something to do with
13 this.

14 Q: And you still wouldn't call him back?

15 A: No.

16 Q: Did you leave on your own terms and was it
17 your idea to leave Cycle-Craft?

18 A: Yes.

19 Q: You testified in response to Mr.
20 Berkowitz's questions about sometime in July '03 the
21 employees of Cycle-Craft were offered an opportunity
22 to buy bikes at low prices?

23 A: Yes.

24 Q: Do you recall how that opportunity was

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1 A: No. No. My understanding is that he quit.

2 In fact, I saw him on the day he left walking into
3 the building and he said, "I'm going to quit." And
4 about ten minutes later he came, walked by my office
5 and said, "I was just fired." So I don't know whose
6 version of the story is the truth. I don't know. I
7 was not in the room so I don't know what happened
8 between him and the boss.

9 Q: Did you talk to him about why he was told
10 he was fired or about why he intended to quit when
11 you were both working at Cycle-Craft?

12 A: We didn't talk about it that day. I mean I
13 know he was unhappy there.

14 Q: When did he talk about it?

15 A: We talked previous to him quitting.

16 Q: What was he unhappy about? What did he
17 tell you?

18 A: His relationship with Ron was at best tough
19 meaning Ron and he did not get along. Their
20 personalities, how they believed customers should be
21 treated.

22 Q: Is Ron a difficult guy to get along with?

23 MR. BERKOWITZ: Objection.

24 Q: In your opinion?

1 MR. BERKOWITZ: Objection.

2 A: I would say he's a tough boss to work for.

3 Q: Demanding?

4 MR. BERKOWITZ: Objection.

5 A: Demanding, yeah. I'd say that's fair to
6 say.

7 Q: Did you talk to Mr. Marasca more recently
8 about your upcoming depositions?

9 A: I asked him if he had to go too.

10 Q: Did you understand that he is in fact
11 giving a deposition tomorrow?

12 A: Yes.

13 Q: How many times have you talked with Mr.
14 Marasca about, putting aside social conversations,
15 just how many times have you talked to Mr. Marasca
16 about the fact that you guys are being dragged into
17 this thing?

18 MR. BERKOWITZ: Objection.

19 A: Probably twice. When I first received my
20 initial deposition I talked to him about it and then
21 just this week because it was upcoming.

22 Q: Going back to your first conversation you
23 had with him when you first received the subpoena,
24 what did you and Mr. Marasca talk about?

1 MR. REHNQUIST: We can all agree on that.

2 Q: Tell me everything you remember that Ms.
3 Singh told you or asked you in that first
4 conversation?

5 A: She verified my address, asked if I was the
6 same Sean Walsh who worked at Boston Harley-Davidson,
7 you know during a specific time frame. I agreed.
8 She asked me if I was involved at all in the sale of
9 motorcycles to DCI and I said yes. She did ask me if
10 I knew any information of whether Ron Buchbaum was
11 involved in those sales. I said yes he was and she
12 did say, she sounded surprised. She said that she
13 thought, she was under the impression that Ron wasn't
14 involved from what he had told her, or what he had
15 told somebody from this firm.

16 Q: She seemed surprised when --

17 A: That I said Ron knew about the transaction
18 which then made me surprised because he was involved
19 in every step of the transaction with me, so I felt
20 like fingers were being pointed at me because I no
21 longer work there.

22 Q: Did she tell you that fingers were being
23 pointed at you or at former employees?

24 A: She said it seems that they're claiming

1 that someone who no longer works there, not
2 mentioning my name, but someone who no longer works
3 there is responsible. I mean I just assumed it was
4 me because I was the only one that had to deal with
5 that sale other than Ron and Jamie.

6 **Q: What did you tell her when she said that?**

7 A: I just told her that Ron was involved and
8 that nothing would happen in that dealership without
9 his knowledge and that he is a micro manager. That
10 was the extent of the conversation. She said, "You
11 may be asked to speak at a deposition." And she told
12 me she would be contacting me if I was.

13 **Q: Then I gather you sent her the e-mail and**
14 **then you had a second conversation with her. Is that**
15 **right?**

16 A: Yeah, just to tell me that it was moving
17 forward and that I would be deposed and they would
18 send me some paperwork to make sure that the dates
19 and everything were okay. That was the extent of
20 that conversation.

21 **Q: And then I guess you had a third**
22 **conversation?**

23 A: I think the third one was she left me a
24 message saying it's been, because I was ready to